UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,388	04/11/2001	Frederick Baker	CISCP201	3780

			EXAMINER
22434	7590	08/12/2004	OSMAN, RAMY M

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ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-44_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-44_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Jindal (US Patent No

6,092,178) in view of Mulligan (US Patent No 6,212,190).

3.   In reference to claim 1, Jindal teaches method for providing information for selecting a

content server to a network node associated with a client, the method comprising:

receiving a request for a response, message transmitted by a network node associated

with a client for selecting a content server (Abstract and Summary);

providing a response datagram, the response datagram associated with the received

request, wherein the network is configured to allow transmission of the response datagram onto

the network without dividing the response datagram into smaller fragments (Abstract and

Summary);

transmitting the response to the network node associated with the client for selecting a

content server wherein reception of the response by the network node provides information for

selecting a content server (Abstract, Summary and column 9 lines 34-67).

Jindal fails to explicitly teach where the packets are fragmented wherein the multiple

fragments are obtained by dividing the response datagram into multiple fragments, and

transmitting the multiple fragments to a network node. However, Mulligan teaches a network

device fragmenting a packet into smaller fragments to be transmitted over a network to a

destination according to a maximum transfer unit of a network segment (column 1 lines 35-67,

Summary and column 8 lines 10-50).

It would have been obvious for one of ordinary skill in the art to modify Jindal by

fragmenting the response packets as per the teachings of Mulligan so that the packets can be

fitted according to a maximum transfer unit of the network segment it will traverse.

4.   In regards to claims 2 and 3, Mulligan teaches the method of claim 1 wherein the

fragments are transmitted between intervals (Summary, column 8 line 45 – column 9 line 40 and

column 11 lines 10-30).

It would have been obvious for one of ordinary skill in the art to modify Jindal by

fragmenting the response packets and sending them in intervals as per the teachings of Mulligan

so that the packets can be fitted according to a maximum transfer unit of the network segment it

will traverse, and then be sent one after the other.

5.   In reference to claim 4, Jindal teaches the method of claim 1 wherein the network node

responsible for selecting a content server is a local domain name server (Summary and figure 1).

6.   In reference to claim 5, Jindal teaches the method of claim 1 wherein the network node

responsible for selecting a content server is a server selection system (Summary and column 6

lines 25-67).

7.   In reference to claim 8, wherein the multiple response fragments comprise fragments of a

DNS reply (Summary and column 5 lines 15-67).

8.   Claims 6 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Jindal (US

Patent No 6,092,178) in view of Mulligan (US Patent No 6,212,190) in further view of Aviani et

al. (Application No. 09/606,418).

9.   in reference to claim 6, Jindal fails to teach wherein the request is a Boomerang Control

Protocol message. However, Official notice is taken that BCP is now well known in the art

according to Aviani which has been issued as a patent. Aviani discloses the Boomerang process

corresponding to request/response.

It would have been obvious for one of ordinary skill in the art to modify Jindal to

incorporate the request/response process of the BCP as per the teachings of Application No.

09/606,418 since it is a well known request/response protocol.

10.   in reference to claim 7, Jindal teaches wherein the response is a DNS reply (Summary

and column 5 lines 15-67).

11.   Claims 9 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Jindal (US

Patent No 6,092,178) in view of Mulligan (US Patent No 6,212,190) in further view of Baehr

(US Patent No 5,884,025).

Jindal fails to explicitly teach wherein the multiple response fragments are padded with

data. However, Baehr teaches a system adding data to a packet for fragmentation thus allowing it

to be fragmented (Summary and column 9 lines 15-50).

It would have been obvious for one of ordinary skill in the art to modify Jindal by fragmenting the response packets as per the teachings of Baehr so that the packets can be fragmented according to a maximum transfer unit of the network segment it will traverse.

12.   Claims 11-44 do not teach or define any new limitations above claims 1-10 as mentioned above and are therefore rejected for similar reasons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
July 29, 2004

SALEH NAJJAR
PRIMARY EXAMINER